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Paper No.

SCHNECK & SCHNECK
P.O. BOX 2-E
SAN JOSE CA 95109-0005

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DEC 10 2007

In re Application of :
Nam Ngo et al. :
Application No. 10/776,694 : DECISION ON SECOND
Filed: February 12, 2004 : RENEWED PETITION UNDER
Title: DEVICES AND METHODS : 37 C.F.R. § 1.137(B)
FOR THE SYNTHESIS OF NUCLEIC
ACIDS :

OFFICE OF PETITIONS

This is a decision on the second renewed petition filed November 13, pursuant to 37 C.F.R. § 1.137(b)¹, to revive the above-identified application.

The concurrently submitted Power of Attorney and Change of Correspondence Address has been entered and made of record.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application, mailed May 17, 2004, which set a shortened statutory period for reply of two months. The notice indicated that the basic filing fee, a properly executed oath or declaration along with the surcharge associated with the late submission of the same would be required. No response was received, and no extensions of time under the provisions of

¹ A grantable petition pursuant to 37 C.F.R. 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

37 C.F.R. §1.136(a) were requested. Accordingly, the above-identified application became abandoned on July 18, 2004.

An original petition was filed on December 12, 2005, and was dismissed via the mailing of a decision on June 16, 2006, for failure to include an acceptable declaration.

A renewed petition was filed on July 30, 2007, along with an Application Data Sheet (ADS), and was dismissed via the mailing of a decision on September 12, 2007, for failure to include an acceptable declaration.

With the present petition, Petitioner has submitted an acceptable declaration, thus meeting the first requirement of Rule § 1.137(b). Petitioner has previously met requirements (2) and (3), and the fourth requirement is not applicable.

As such, this renewed petition under 37 C.F.R. § 1.137(b) is **GRANTED**.

The Office of Patent Application Processing (OPAP) will be notified of this decision so that the application may receive further processing.

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225².



Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

² Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/776,694	02/12/2004	Nam Ngo	

3897
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CONFIRMATION NO. 2784
POA ACCEPTANCE LETTER



OC000000027042554

Date Mailed: 12/03/2007

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/13/2007.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/pashanoski/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199